ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Mary Darlene Holland, D.C., on April 20, 2011, in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Claudette Dalton, M.D., Chair; Stuart F. Mackler, M.D.; and Wayne Reynolds, D.O. Dr. Holland appeared personally and was represented by legal counsel, William G. Shields, Esquire. Leigh Compton Kiczales, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to consider Dr. Holland’s Application for Reinstatement of her license to practice chiropractic, and to consider evidence that Dr. Holland may have violated certain laws and regulations governing the practice of chiropractic in the Commonwealth of Virginia. These matters are set forth in a Notice of Informal Conference dated March 29, 2011.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:
1. Mary Darlene Holland, D.C., was issued license number 0104-000502 by the Board to practice chiropractic in the Commonwealth of Virginia on August 15, 2004. Said license was suspended pursuant to Consent Order entered June 19, 2006.

2. Dr. Holland filed an Application for Reinstatement of License to Practice Chiropractic with the Board on September 21, 2010.

3. Between March 2010 and July 2010, Dr. Holland used the professional designation “D.C.” in advertising educational seminars and consulting services that she presented in Virginia, although her license to practice as a chiropractor had been suspended since 2006. Dr. Holland explained, and the Committee noted, that the advertisements also included a disclaimer that her license had been suspended by the Board in 2006. Further, she stated that her attorney had reviewed and approved all advertising materials.

4. Dr. Holland violated Section 54.1-2915.A(4) of the Code, in that she has not engaged in the practice of chiropractic since July 2006.

5. Dr. Holland presented proof of completion of sixty (60) hours of Type I continuing medical education (“CME”) and sixty (60) hours of Type II CME as of November 17, 2010, in the subjects of chiropractic and ethics.

6. Dr. Holland violated Sections 54.1-2915.A(4) and (14) of the Code, in that she is impaired to practice chiropractic with reasonable skill and safety due to a mental health condition for which she requires ongoing treatment, including medication management and monitoring by the Virginia Health Practitioner’s Monitoring Program (“HPMP”). Specifically, Dr. Holland was diagnosed with depression in high school and has been in and out of therapy since that time. On June 21-22, 2010, Dr. Holland underwent a
Comprehensive Assessment performed at the Professionals Program of Elmhurst Memorial Healthcare in Illinois, at which time she was diagnosed with chronic Post Traumatic Stress Disorder ("PTSD"). The diagnostic impression of Dr. Holland following the assessment was that she continued to have symptoms of depression, and that her symptoms were more associated with her PTSD than a personality disorder. Recommendations were made for Dr. Holland to: (1) enter into a monitoring agreement with HPMP for ongoing accountability and practice supervision, and to have a workplace monitor who would intermittently review her documentation, adherence to practice standards and provide regular feedback to Dr. Holland, as well as quarterly reports to the Board; (2) to consult with a psychiatrist for ongoing medication management rather than continue to use her primary care physician for this aspect of her care; and (3) to continue to participate in individual psychotherapy.

7. On September 30, 2010, Dr. Holland signed a Participation Contract with HPMP and on December 9, 2010, entered into a Recovery Monitoring Agreement with HPMP. Dr. Holland is reported to be compliant with her contract to date.

8. Since July 2009, Dr. Holland has been treated by a licensed clinical social worker once per week who reports that Dr. Holland has maintained regular appointments and continues to work on various life issues and is progressing towards her therapy goals. Additionally, Dr. Holland stated that she would continue her therapy even if her license were reinstated by the Board, since it has been a positive step forward and has helped address her identified issues.

9. Dr. Holland violated Section 54.1-2915.A(1) of the Code, in that, on her Application for Reinstatement of License to Practice as a Chiropractor, question #9 asked,
"Other than by the Virginia Board, have you ever had any of the following disciplinary actions taken against your license as a chiropractor, DEA permit, state controlled substances registration, Medicaid, or are any such actions pending: (a) suspension/revocation; (b) probation; (c) reprimand/cease and desist; (d) had your practice monitored?", to which Dr. Holland answered "No." In fact, on January 18, 2007, the U.S. Department of Health and Human Services imposed a sanction against Dr. Holland excluding her from Medicare reimbursement.

10. Dr. Holland stated to the Committee that the Medicare sanction was imposed as a result of the suspension of her Virginia license, and she viewed the federal action as a "subset" or derivative of the Virginia action. She admitted it was an oversight on her part not to list this on her reinstatement application.

11. Dr. Holland stated to the Committee that since 2006, she has continued to work to recognize, understand and change her behaviors. She has volunteered at her church to give back to the community, and admits that the common denominator for all of her problems related to her arrogance, for which she takes full responsibility. She stated that the past four (4) years have been an extremely humbling experience for her.

12. If reinstated, Dr. Holland plans to return to practice as an employee of her former practice, which is now owned and managed by her husband. The practice employs one (1) full-time practitioner, and Dr. Holland would be the second chiropractic practitioner employee. Her husband will remain in his role as owner/manager. The practice now has an office manager who has been in place for approximately two (2) years to handle the administrative aspects of the practice. Dr. Holland will focus on chiropractic care and the treatment of her patients to include thorough documentation of such care, and she will rely
on her office manager to handle all billing and administrative aspects of the practice.

13. Dr. Holland stated to the Committee that she is very sorry for her actions and any embarrassment she has brought upon her profession.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that the license of Mary Darlene Holland, D.C., be and hereby is, REINSTATED.

It is further ORDERED that Dr. Holland shall remain in HPMP and continue to comply fully with the terms of her contract, and any addenda thereto, until she successfully completes the program. In accordance with Dr. Holland’s contract, the Board will be notified of any noncompliance, dismissal or resignation from HPMP.

Prior to the issuance of the license, Dr. Holland shall remit all fees associated with activating the license for the current biennium.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Holland’s license. In the event that Dr. Holland violates this Order, an administrative proceeding may be convened to determine whether such action is warranted.

Dr. Holland shall maintain a course of conduct in her practice of chiropractic commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.
Pursuant to Section 54.1-2400(10) of the Code, Dr. Holland may, not later than 5:00 p.m., on May 30, 2011, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on May 30, 2011; unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

[Signature]

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 4/27/2011